

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JANESSICA PIMENTEL SANCHEZ,

Plaintiff,

V.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:21-cv-01177-SAB

**ORDER DENYING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*
WITHOUT PREJUDICE AND REQUIRING
PLAINTIFF TO FILE LONG FORM
APPLICATION**

(ECF No. 2)

TWENTY-ONE DAY DEADLINE

Plaintiff Janessica Pimentel Sanchez filed a complaint on August 4, 2021, challenging a final decision of the Commissioner of Social Security denying an application for disability benefits. Plaintiff did not pay the filing fee in this action and instead filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. However, Plaintiff's application states their spouse's income is \$3,000 per month. (ECF No. 2 at 2.) Based on this amount of income, it does not appear that Plaintiff would be entitled to proceed without prepayment of fees.

In assessing whether a certain income level meets the poverty threshold under Section 1915(a)(1), courts look to the federal poverty guidelines developed each year by the Department of Health and Human Services. See, e.g., Lint v. City of Boise, No. CV09-72-S-EJL, 2009 WL 1149442, at *2 (D. Idaho Apr. 28, 2009) (and cases cited therein). The 2021 Poverty Guidelines for the 48 contiguous states for a household of two is \$17,420.00. 2021 Poverty Guidelines,

1 https://aspe.hhs.gov/2021-poverty-guidelines (last visited July 27, 2021). Given the household
2 income is more than twice this amount, Plaintiff's application does not currently provide
3 sufficient information for the Court to conclude that they are entitled to proceed in this action
4 without prepayment of fees, and it appears they will be unlikely to do so. Nonetheless, the Court
5 will allow and order Plaintiff to complete and file an Application to Proceed in District Court
6 Without Prepaying Fees or Costs (Long Form) – AO 239. If Plaintiff is unwilling to complete
7 and submit the long form application, Plaintiff must pay the filing fee in full.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's application to proceed *in forma pauperis* is DENIED without prejudice;
- 10 2. The Clerk of the Court is directed to forward an *in forma pauperis* application
11 (Long Form) to Plaintiff;
- 12 3. Within **twenty-one (21) days** of the date of this order, Plaintiff shall either (1)
13 pay the \$402.00 filing fee for this action, or (2) file a long form application to
14 proceed *in forma pauperis* without prepayment of the fee; and
- 15 4. If Plaintiff fails to comply with this order, this action shall be dismissed.

16 IT IS SO ORDERED.
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18 Dated: August 5, 2021



UNITED STATES MAGISTRATE JUDGE

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